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**FROM:** Scott J. Meyer - Attorney Reg. No. 25,275  
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**IN RE:** Serial No. 10/643,508  
Filed: 08/19/2003  
Attorney Docket No.: WU-01267/1-US  
Inventor: **BARRY P. SLECKMAN**  
Assigned to: Washington University  
Title: Method for Gene Isolation by Cre-Trap Cloning

**SEE ATTACHED: AMENDMENT A**

**Number of Pages sent: 4 (including this cover page)**

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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0551-0031

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/643,508	
	Filing Date	08/19/2003	
	First Named Inventor	BARRY P. SLECKMAN	
	Art Unit	1838	
	Examiner Name	NANCY S. VOGEL	
Total Number of Pages in This Submission	3	Attorney Docket Number	WU-0126711-US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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Signature	<i>Scott J. Meyer</i>		
Typed or printed name	SCOTT J. MEYER	Date	Jan. 24, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No. WU-01267/1-US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>IN RE APPLICATION OF:</b>	)	
	)	
<b>BARRY P. SLECKMAN</b>	)	<b>EXAMINER: Nancy S. Vogel</b>
	)	
<b>SERIAL NUMBER: 10/643,508</b>	)	
	)	
<b>FILED: AUGUST 19, 2003</b>	)	<b>GROUP ART UNIT: 1636</b>
	)	
<b>TITLE: METHOD FOR GENE ISOLATION</b>	)	
<b>BY CRE-TRAP CLONING</b>	)	

**AMENDMENT A**

**MAIL STOP AMENDMENT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action Date Mailed 12/28/2004.

**REMARKS**

In the Office Action dated December 28, 2004, restriction to one of the following inventions was required under 35 U.S.C. § 121:

- I. Claim 1, drawn to a vector, classified in class 435, subclass 320.1.
- II. Claim 2, drawn to a method of isolating genes encoding a protein that regulates the expression of a gene of interest, classified in class 435, subclass 6.

The requirement for restriction is traversed.

Nevertheless, in accordance with the requirement, applicant herewith provisionally elects for examination in this application the invention of Group I, claim 1. In the event the restriction is made final and claim 2 is withdrawn by the Examiner, applicant reserves the right to file claim 2 in a divisional application pursuant to 35 U.S.C. § 121.

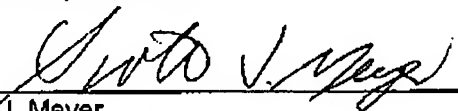
-1-

Attorney Docket No. WU-01267/1-US

In traverse of the requirement for restriction, applicant contends that the method of the Group II, claim 2, is common subject matter with the product of the Group I, claim 1, and both claims can readily be examined together. Applicant submits that a combined search made in the two subclasses designated by the Examiner for these two claims does not appear unreasonable or to present any material burden on the office.

In the event the restriction is made final and claim 2 is withdrawn, applicant notes and appreciates the Examiner's comments on pages 3-4 of the Office Action that applicant can avail himself of the provisions concerning rejoinder of the method claim to the product claim.

Respectfully submitted,



Scott J. Meyer  
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SJM/mrr

Jan. 24, 2005